

**M** McCann & Matri, LLC  
Counselors at Law  
**M** 238 Main Street  
P.O. Box 399  
Ridgefield Park, NJ 07660  
Est. 1945

Mark T. Matri, Esq. ♦♦ +  
Edmund V. McCann, Esq. (1945-2023)  
John F. McCann (1913-1973)

Tel: (201) 440-4880  
Fax: (201) 440-6392

♦ New Jersey

♦ New York

+ Florida

June 18, 2025

**VIA ECF Filing:**

The Hon. Kenneth M. Karas  
Federal Building and U.S. Courthouse  
300 Quarropas Street  
White Plains, NY 10601

Re: Shaffer v. Kavarnos  
7:23-cv-10059-KMK  
Request for hearing date on Defendant's Motion for Judgment on the Pleadings

Dear Judge Karas:

On behalf of the defendant, Carolyn Kavarnos, I am writing to respectfully request that the Defendant's Motion for Judgment on the Pleadings (the "Motion"), ECF No. 64, in the above-referenced case be heard prior to the scheduled trial date of July 7, 2025. The Motion was timely filed on May 27, 2025, after observance of the Memorial Day legal holiday. *See* ECF No. 62; *Fed.R.Civ.P.* 6(6)(A).


Given the issue raised in the Motion, addressing it before the trial would promote judicial efficiency and possibly resolve the case, thereby conserving the resources of the court and the parties involved. In addition, if Plaintiff has failed to plead the elements of her claim as the Motion contends, no trial would be necessary because the complaint cannot support entry of a judgment against Mrs. Kavarnos on a claim made under § 512(f) of the DMCA. Thus, the Motion should be considered and decided before trial rather than deferred. *Fed.R.Civ.P.* 12(i).

I appreciate the Court's consideration of this request and am available at the Court's convenience to discuss this matter further.

The Court is as surprised as it is perplexed by the Rule 12(c) Motion and this letter. The Court already indicated in the pre-motion letters back in May that any Rule 12(c) motion would be untimely as discovery was complete and the Parties already had submitted their Final Pre-Trial Order. (Dkt. No. 61.). The Court set a trial date the next day. (Dkt. No. 62.). Undaunted, Defendant not only ignored the Court's ruling, but waited three more weeks to file the Rule 12(c) Motion the Court said was already untimely. Therefore, the Motion is denied with prejudice. The Clerk is respectfully requested to terminate the Motion. (Dkt. No. 64). Trial will proceed as scheduled.

Respectfully,

Mark T. Matri  
Mark T. Matri, Esq. (NJ#: 127652015)  
238 Main Street  
PO Box 399  
Ridgefield Park, NJ 07660  
[mtmatri@gmail.com](mailto:mtmatri@gmail.com)

So Ordered  6/23/25  
cc: Jonathan Phillips, Esq. (Via ECF Notice)